

# Common property of spouses and entrepreneurship

## Abstract

Presented diploma thesis on common property of spouses and entrepreneurship aims to provide a comprehensive overview of current national legislation of common property of spouses with a particular focus on entrepreneurship issues with subsequent evaluation of legal regulations, criticism of identified legal defects and proposing solutions. Sufficient space of a diploma thesis is also devoted to *de lege ferenda* considerations in connection with the comparison of national law with the legal regulation of matrimonial property law in the Federal Republic of Germany.

The legal regulation of the institute common property of spouses in the Civil Code does not give answers to all questions arising, therefore, the case law of the Supreme Court of the Czech Republic is widely used in the thesis. In the text of this diploma thesis are proposed legislative changes which it would be appropriate to think about in the future. Case-law of the courts of the Federal Republic of Germany and the case-law of the European Court of Justice is also not omitted. To achieve the proposed goals is the text of the submitted diploma thesis next to the introduction and conclusion structured into seven chapters.

First of all attention is focused on the historical development of property law in marriage with special regard to the events of the second half of the 20th century the national system of matrimonial property rights has changed a lot. The second chapter defines the current legal regulation of the legal property regime of the common property of the spouses together with defining the assets and liabilities that belongs to the common property of the spouses. The third chapter focuses on other matrimonial property regimes offered by the Civil Code, while individual options for modifying the legal regime by contract or judicial decision, including the protection of third parties, are mentioned.

The fourth chapter is primarily focused on analysing the conditions of use of the property, which is part of the common property of spouses, for business use by only one of the spouses. Also there are listed individual solutions for spouses which are interested in doing business together. The space is also dedicated to evaluation of possible forms of business that spouses can choose, with particular emphasis on the impacts and the level of risks they represents for the common property of spouses.

The reasons for dissolutions and the methods of settlement of the common property of spouses are outlined in chapter five, which contains a general adjustment with a subsequent focus

on the specific adjustment of the settlement of the company, marginally also on the settlement of the business share.

The last chapter is focused on mapping shortcomings of the current legal regulation of matrimonial property law, together with the possibilities of its amendment by the legislator.

Conclusion of the presented diploma thesis is devoted to the evaluation of individual parts of matrimonial property law also in connection with business and subsequent evaluation of the institute of joint property of spouses as a whole.